

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HARRY KEEN, III,

Plaintiff

v.

C.R. BARD, INC. *et al.*,

Defendants

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CIVIL ACTION

No. 13-5361

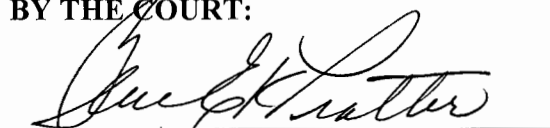
ORDER

AND NOW, this 18th day of August, 2020, upon consideration of Plaintiff's Motion *in Limine* to Preclude References to the Clearance of Bard IVC Filters by the FDA, Lack of Enforcement Action as Proof of Safety and Efficacy, and Refriring [sic] to the Bard IVC Filters as "Approved" by the FDA (Doc. No. 61), Plaintiff's Motion *in Limine* No. 2 to Exclude any Reference to IVC Filters as Lifesaving Devices or to Statistics of Thrombi and Pulmonary Emboli (Doc. No. 62), and the responses in opposition (Doc. Nos. 68, 70), it is **ORDERED** that:

1. Plaintiff's Motion *in Limine* to Preclude References to the Clearance of Bard IVC Filters by the FDA, Lack of Enforcement Action as Proof of Safety and Efficacy, and Refriring [sic] to the Bard IVC Filters as "Approved" by the FDA (Doc. No. 61) is **GRANTED IN PART** and **DENIED IN PART** as set forth in the accompanying Memorandum. The motion is granted in part only as to the Court's narrow determination that Bard is precluded from referring to IVC filters which acquired FDA "clearance" as being "FDA approved."

2. Plaintiff's Motion *in Limine* No. 2 to Exclude any Reference to IVC Filters as Lifesaving Devices or to Statistics of Thrombi and Pulmonary Emboli (Doc. No. 62) is **DENIED** for the reasons set forth in the accompanying Memorandum.

BY THE COURT:



GENE E.K. PRATTER

UNITED STATES DISTRICT JUDGE